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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A

GENERAL MEETING

Hilton Los Angeles Airport
Catalina C Room
5711 West Century Boulevard
Los Angeles, California 90045
(310) 410-4000

June 26, 2008

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, he or she may want to attend.

The Board provides an opportunity for members of the public to comment on each agenda item before or during the discussion or consideration of the item as circumstances permit. (Gov. Code § 11125.7).

1. **10:00 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Introduction and welcome of newly re-appointed Public Board Member, David C. Lizárraga.**
5. **Approval of the Minutes from the May 2, 2008, General Meeting.**
6. **Presentation of Resolution to Robert Branzuela, former Dealer Board Member.**

7. **Oral Arguments before the Public Members of the Board.**

- a. NICK ALEXANDER IMPORTS, a California corporation, d/b/a NICK ALEXANDER IMPORTS v. BMW OF NORTH AMERICA, LLC
Protest Nos. PR-2049-07 and PR-2062-07
- b. WALKER MANAGEMENT, INC., dba GOOD TIMES KAWASAKI SUZUKI DUCATI v. DUCATI NORTH AMERICA, INC.
Protest No. PR-2048-07

8. **Closed Executive Session deliberations.**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board convenes in closed Executive Session to deliberate the decisions reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

a. **Consideration of Recommendation Re: Payment of Attorney's Fees.**

NICK ALEXANDER IMPORTS, a California corporation, d/b/a NICK ALEXANDER IMPORTS v. BMW OF NORTH AMERICA, LLC
Protest Nos. PR-2049-07 and PR-2062-07

Consideration of the Administrative Law Judge's "Recommendation for Payment by Protestant Nick Alexander Imports, Inc. of Attorney's Fees and Costs of Respondent BMW of North America, LLC", by the Public members of the Board.

b. **Consideration of Proposed Decision Following Remand.**

WALKER MANAGEMENT, INC., dba GOOD TIMES KAWASAKI SUZUKI DUCATI v. DUCATI NORTH AMERICA, INC.
Protest No. PR-2048-07

Consideration of the Administrative Law Judge's Proposed Decision Following Remand, by the Public Members of the Board.

9. **Open Session.**

10. **Annual review of the Board's mission and vision statements - Executive Committee.**

11. **Appointment of Board Member designee in compliance with the Board's 1997**

- “Revised Board Policy Regarding Representation in Court Actions”, by Alan Skobin, Board President - Executive Committee.**
- 12. Annual update concerning the Board’s compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency, and the resultant Corrective Action Plan - Executive Committee.**
 - 13. Discussion and consideration of who will attend the out-of-state trips for the 1st half of fiscal year 2008/2009 that were previously approved by the Board - Executive Committee.**
 - 14. Status report concerning manufacturer and distributor compliance with Vehicle Code sections 3064/3074 and 3065/3075 (the filing of statutorily required schedules and formulas) - Administration Committee.**
 - 15. Annual update on staff training programs attended by support personnel, Counsel, and Administrative Law Judges - Administration Committee.**
 - 16. Review of form letters used in the Mediation Services Program - Administration Committee.**
 - 17. Discussion concerning goodwill Lemon Law buybacks and the branding of titles - Administration Committee.**
 - 18. Board member education concerning changes to the Administrative Procedure Act, Bagley-Keene Open Meeting Act, Political Reform Act, and Public Records Act - Board Development Committee.**
 - 19. Consideration of nominee for the Solon C. Soteras Employee Recognition Award recipient as recommended by the Board Development Committee.**
 - 20. Board financial condition report for the 2nd and 3rd quarters of fiscal year 2007-2008 - Fiscal Committee.**
 - 21. Report on steps the Board is taking to reduce expenditures in light of Governor Schwarzenegger’s Executive Order S-01-08 - Fiscal Committee.**
 - 22. Status report concerning the Board’s collection of the Arbitration Certification Programs’ annual fee - Fiscal Committee.**
 - 23. Discussion and consideration of the Board’s proposed budget for the next fiscal year, and whether any dealer/manufacturer fee adjustments are necessary - Fiscal Committee.**
 - 24. Report on case management survey results - Policy and Procedure**

Committee.

- 25. **Consideration of designation of alternate Law and Motion Administrative Law Judges in the event of ALJ Skrocki's unavailability - Policy and Procedure Committee.**
- 26. **Discussion concerning pending Legislation - Policy and Procedure Committee.**

- a. Pending Legislation that impacts the Board.
 - (1) Assembly Bill 2272 (Assembly Member Fuentes)
- b. Pending Legislation of general interest.
 - (1) Assembly Bill 865 (Assembly Member Davis)
 - (2) Assembly Bill 1939 (Assembly Member DeSaulnier)
 - (3) Assembly Bill 2116 (Assembly Member Portantino)
 - (4) Assembly Bill 2241 (Assembly Member Saldana)
 - (5) Assembly Bill 2388 (Assembly Member Feuer)
 - (6) Assembly Bill 2436 (Assembly Member Emmerson)
 - (7) Assembly Bill 2976 (Assembly Member Keene)
 - (8) Senate Bill 60 (Senator Cedillo)
 - (9) Senate Bill 364 (Senator Simitian)
 - (10) Senate Bill 1374 (Senator Battin)
 - (11) Senate Bill 1377 (Senator Scott)
 - (12) Senate Bill 1417 (Senator Hollingsworth)
 - (13) Senate Bill 1494 (Senator McClintock)
 - (14) U.S. House of Representatives Bill 1015 (U.S. Representative Capuano)
 - (15) U.S. House of Representatives Bill 1029 (U.S. Representative Stearns) – “Damaged Vehicle Information Act”
 - (16) U.S. House of Representatives Bill 1915 (U.S. Representative Castle) – “American Automobile Industry Promotion Act of 2007”
 - (17) U.S. House of Representatives Bill 1920 (U.S. Representative Inslee) – “Health Care for Hybrids Act”
 - (18) U.S. House of Representatives Bill 2513 (U.S. Representative Hall)
 - (19) U.S. House of Representatives Bill 5312 (U.S. Representative Sanchez) – “Automobile Arbitration Fairness Act of 2008”
 - (20) U.S. Senate Bill 545 (U.S. Senator Lott) – “Passenger Vehicle Loss Disclosure Act”
 - (21) U.S. Senate Bill 767 (U.S. Senator Obama) – “Fuel Economy Reform Act”
 - (22) U.S. Senate Bill 1055 (U.S. Senator Biden) – “American Automobile Industry Promotion Act of 2007”

- (23) U.S. Senate Bill 1151 (U.S. Senator Obama) – “Health Care for Hybrids Act”

27. Executive Director's Report.

- A. Administrative Matters.
- B. Case Management.
 - (1) Status of Protests.
 - (2) Status of Petitions.
 - (3) Status of Appeals.
 - (4) Matters Resolved.
- C. Judicial Review.
- D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- E. Other.

28. Update on the success of the Board's 2007 California State Employees Charitable Campaign (CSECC).

29. Appointment of David C. Lizárraga to a Board Committee, by Alan Skobin, Board President.

30. Selection of Board meeting dates for the remainder of 2008.

31. Public Comment. (Gov. Code § 11125.7).

32. Adjournment.

To request special accommodations for persons with disabilities at this or any future Board meeting or to request any accommodation for persons with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Kathy Tomono at (916) 445-1888 or ktomono@nmvb.ca.gov.